

2001HANOI00566 - UNCLASSIFIED

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ACTION EAP-00

INFO LOG-00 NP-00 ACO-00 CIAE-00 DODE-00 DS-00 FBIE-00
UTED-00 VC-00 TEDE-00 INR-00 L-00 VCE-00 NSAE-00
TEST-00 DSCL-00 NFAT-00 SAS-00 /000W
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FM AMEMBASSY HANOI
TO SECSTATE WASHDC 2206
INFO AMCONSUL HO CHI MINH CITY
ASEAN REGIONAL FORUM COLLECTIVE

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SIPDIS

STATE FOR EAP/BCLTV, EAP/RSP

E.O. 12958: N/A

TAGS: [PREL](#) [VM](#) [ASEAN](#) [ARF](#)

SUBJECT: TREATY OF AMITY AND COOPERATION IN SOUTHEAST ASIA: VIETNAM PRESSES FOR ARF MEMBER ACCESSION

¶1. ON FEBRUARY 6 MFA ASEAN DEPARTMENT CALLED IN LOCAL REPRESENTATIVES OF ARF MEMBER-COUNTRIES FOR A BRIEFING ON THE CURRENT STATUS OF THE TREATY OF AMITY AND COOPERATION (TAC) IN SOUTHEAST ASIA. ASEAN DEPARTMENT DEPUTY DIRECTOR PHAM HUU CHI PRESIDED; REPRESENTATIVES FROM CANADA, CHINA, DPRK, INDIA, JAPAN, MONGOLIA, NEW ZEALAND, ROK, RUSSIA, AND THE U.S. (POLOFF) ATTENDED.

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¶2. CHI STARTED BY NOTING THAT THE SECOND PROTOCOL TO THE TAC, SIGNED BY ASEAN FOREIGN MINISTERS AT THE 31ST ASEAN MINISTERIAL MEETING IN JULY 1998, HAS NOW COME INTO EFFECT WITH ASEAN'S RECEIPT OF INSTRUMENTS OF RATIFICATION FROM PAPUA NEW GUINEA LATE LAST YEAR. ASEAN VERY MUCH HOPES THAT DIALOGUE PARTNERS, ARF MEMBERS, AND OTHER INTERESTED PARTIES WILL ACCEDE TO THE SECOND PROTOCOL. ALTHOUGH THAILAND IN ITS THEN-CAPACITY AS ASEAN CHAIR REITERATED THIS INVITATION IN MAY 2000, UP TO THIS POINT ASEAN HAS PRELIMINARY RESPONSES FROM ONLY THREE COUNTRIES: JAPAN, NEW ZEALAND, AND THE UNITED STATES. CHI DECLINED TO DESCRIBE THESE RESPONSES.

¶3. CHI CONTINUED THAT ASEAN HAS RECEIVED INQUIRIES FROM A NUMBER OF OTHER STATES, AND SUMMARIZED ANSWERS TO QUESTIONS ON TWO MAIN ISSUES AS FOLLOWS. (NOTE: THESE DETAILS DIFFER VERY LITTLE FROM THOSE IN THE MAY 2000 THAI LETTER.)

-- RIGHTS AND OBLIGATIONS OF CONTRACTING PARTIES: UPON ACCESSION, NON-SOUTHEAST ASIAN STATES WOULD BECOME "HIGH CONTRACTING PARTIES" TO THE TAC, WITH ESSENTIALLY THE SAME RIGHTS AND OBLIGATIONS AS SOUTHEAST ASEAN STATES. THE EXCEPTIONS WOULD BE THAT NON-SOUTHEAST ASIAN STATES WOULD NOT HAVE THE RIGHT OF CONSENT TO NEW ACCESSIONS BY OTHER NON-SOUTHEAST ASIAN STATES, AND WOULD NOT PARTICIPATE IN THE HIGH COUNCIL UNLESS DIRECTLY INVOLVED IN A DISPUTE THE COUNCIL WAS ASKED TO CONSIDER. NON-SOUTHEAST ASIAN STATES COULD, HOWEVER, ASK TO BE OBSERVERS OF HIGH COUNCIL PROCEEDINGS.

-- FUNCTIONS OF THE HIGH COUNCIL: CHI SAID ASEAN IS UNCLASSIFIED

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STILL FINALIZING THE RULES OF PROCEDURE FOR THE HIGH COUNCIL, BUT IS MAKING GOOD PROGRESS AND HAS AN AGREED DRAFT. ASEAN HOPES THE RULES OF PROCEDURE CAN BE ADOPTED AT THE JULY AMM IN HANOI, AFTER WHICH TIME ASEAN CAN GIVE MORE DETAILED ANSWERS TO QUERIES ON THIS BODY.

¶4. CHI REITERATED ASEAN'S HOPE FOR PROGRESS ON TAC ACCESSION SOON, AND ASKED ATTENDEES TO RELAY THIS DESIRE TO THEIR CAPITALS AND SEEK FEEDBACK. ASEAN HOPES FOR RESPONSES BEFORE THE MAY ARF SOM OR, FAILING THAT, THE JULY MINISTERIAL. CHI ALSO ASKED FOR IMMEDIATE VIEWS OF ATTENDEES PRESENT. SELECTED REPRESENTATIVES PROVIDED THE FOLLOWING REMARKS:

-- NEW ZEALAND IS STILL AWAITING ASEAN'S RESPONSE ON THREE ISSUES: CLARIFICATION OF "NON-INTERFERENCE" IN ARTICLE 2C; CLARIFICATION OF "THREAT TO POLITICAL AND ECONOMIC STABILITY" IN ARTICLE 10; AND CLARIFICATION ON CONTRACTING PARTIES' RIGHTS TO CHOOSE WHETHER OR NOT TO USE THE HIGH COUNCIL.

-- SWEDEN, AS THE CURRENT INCUMBENT OF THE EU PRESIDENCY, BELIEVES THE TAC IS VALUABLE AND ALL PARTIES HAVE AN OBLIGATION TO CONSIDER IT SERIOUSLY. THE EU IS STILL STUDYING THE ISSUE OF ACCESSION, HOWEVER, AND WITH 15 MEMBER COUNTRIES MAY REQUIRE SOME MORE TIME TO FORM A COHESIVE RESPONSE.

-- MONGOLIA IS INTERESTED IN ACCEDING TO THE PROTOCOL, AND SEEKS THE VIEWS OF OTHER POTENTIAL CONTRACTING PARTIES. MONGOLIA SOLICITED BILATERAL DIALOGUE ON THE ISSUE.

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-- JAPAN, ROK, AND CANADA MADE POLITE BUT NON-COMMITTAL RESPONSES, NOTING ONLY THAT ALL WERE STUDYING THE PROPOSAL. OTHER REPRESENTATIVES OFFERED NO COMMENT.

15. SWEDISH, NEW ZEALAND, AND ROK REPRESENTATIVES ALL APPROACHED POLOFF AFTER THE MEETING SEEKING FURTHER DETAILS ON THE U.S. POSITION. ROK REPRESENTATIVE WAS PARTICULARLY INTERESTED IN LEARNING IF THE U.S. INTENDS NOT TO ACCEDE. SWEDISH AMBASSADOR FOLLOWED UP WITH A CALL THE NEXT DAY EMPHASIZING HER INTEREST IN U.S. VIEWS.

16. COMMENT: VIETNAM IS STILL LOOKING FOR TANGIBLE ACCOMPLISHMENTS TO MARK ITS TENURE AS ASEAN AND ARF CHAIR, AND WOULD WELCOME MOVEMENT ON THE TAC. ITS PONDEROUS AND HESITANT CONSULTATION STYLE, HOWEVER, IMPEDES ITS OWN OBJECTIVES; WHEN ASKED, CHI WAS UNWILLING TO CHARACTERIZE PRELIMINARY REPOSSES FROM THE U.S., JAPAN, AND NEW ZEALAND IN EVEN GENERAL TERMS, SAYING THESE VIEWS WERE "SECRET." NEW ZEALAND'S VERY DETAILED RESPONSE, REPEATED TWICE, SEEMED TO BE INTENDED AS A COUNTERPOINT. EMBASSY EXPECTS CONTINUED REQUESTS FROM LOCAL COUNTERPARTS FOR FEEDBACK ON OUR POSITION.

HARTER

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